IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 142 of 2005

NATIONAL INSURANCE CO. LTD.
V/S
NARENDRA SINGH & ORS

Mr. SANJEEV JOHARI, for the appellant / petitioner

Date of Order : 3.2.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

The only contention raised is that the driver of the vehicle was not having valid driving licence, and therefore, the appellant is not liable. The learned Tribunal in para-14 has clearly held after appreciating the evidence of N.A.W.1, Y.K. Kaushik, that the witness is not giving true evidence, inasmuch as, the A.W.1, Ranjha Singh has produced the driving licence of Major Singh as Ex.10, which is duly renewed up to 3.12.2002, while the accident is occurred on 13.6.2002. The licence purports to be authorising the driver to drive heavy goods vehicle, medium goods vehicle, and light motor vehicle. In that view of the matter, the learned Tribunal has found that the driver was holding valid driving licence.

Learned counsel wanted to assail this finding on the ground that the licence produced is fake one, and the appellant was not given adequate opportunity to prove that the licence was fake. Suffice it to say that the appellant had already examined the witness, N.A.W.1, Y.K. Kaushik, whose evidence has been disbelieved, and no material has been shown in the matter, as to how the appellant did not get sufficient opportunity to lead evidence. Thus, I do not find any force in the appeal. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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